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August 17, 2021

VIA ECF

Hon. Marian W. Payson
United States Magistrate Judge
Western District of New York
Kenneth B. Keating Federal Building
100 State Street, Rochester, NY 14614

**Re: USA v. Mark Anthony Phillips, 21 MJ 4062 (MWP)
Request for Adjournment of Status Conference**

Dear Judge Payson:

The above captioned case is scheduled for a court conference on August 25, 2021 at 9:30 a.m. I write on behalf of defendant Mark Anthony Phillips to respectfully request an adjournment of this conference to September 16, 2021, or another date convenient to the Court.

Discovery has not yet been completed in this matter. To complete discovery, the government has been trying to complete the extraction from Mr. Phillips' cell phone. The newly assigned AUSA, Kyle Rossi, has estimated that the extraction of certain encrypted communications will possibly take 3-4 weeks more. As I had stated previously, the cell phone represents a good portion of the discovery that it is necessary for me to review before we can move forward in this matter.

For these reasons, I respectfully request that the conference be adjourned to September 16, 2021, or another date convenient to the Court, so that the extraction of the phone materials may be completed, and I will have an opportunity to receive and review them before the conference.

Assistant United States Attorney Kyle Rossi concurs in this application. I agree to waive any speedy trial issues until the next court conference.

Sincerely,

s/s *Camille M. Abate*
Camille M. Abate, Esq.